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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date of Reservation : 28/06/2023

Date of Pronouncement : 14/07/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.2902 of 2023

K.Kanthavel : Petitioner/A1

Vs.

1.State represented by
Sub Inspector of Police,
Taluk Police Station,
Aruppukottai,
Virudhunagar District. : R1/Complainant

2.Irulayee : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the impugned FIR in Crime No.1 of 2023 on the file of the Taluk Police Station, Aruppukkottai, Virudhunagar District and quash the same and pass such further or other orders.

For Petitioner : Mr.K.Kanthavel
(Party-in-person)

For 1st Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.A.Arul Jenifer



above said occurrence, a case in Crime No.1 of 2023 for the offences under sections 147, 294(b), 323, 355 and 506(i) IPC r/w section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 was registered.

3.Now seeking quashment of the same, this petition has been filed by A1 namely Kandavel.

4.Heard both sides.

5.It is an issue between the brother and sister. Continuous trouble exists between them over some issue. As per the case of the prosecution, the marriage is scheduled to be held, on 07/09/2022 in Aruppukottai Chockalingapuram Meenakshi Amman Temple.

6.Now the de-facto complainant says that in pursuance of the above said invitation only, they went to the marriage for participation. The date of the occurrence is stated to be on 07/09/2022. The case was registered, on 02/01/2023. Originally, after the complaint registered in CSR No.184 of 2022 and after preliminary enquiry only, the case was registered. But the preliminary enquiry particulars are not available.



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7. Reading of the CD file shows that enmity exists between the complainant and the petitioner herein over the marriage arrangement for his son. It is seen that the de-facto complainant wanted Subashkannan, who is the son of this petitioner to marry her daughter, but that was not liked by this petitioner and others. Over the above said dispute, continuous trouble exists between them. On the particular date of occurrence namely on 07/09/2022 in the marriage event also, trouble has arisen. Over which, the present complaint has been given by the de-facto complainant, as they were abused, assaulted, criminally intimidated, etc.

8. But a counter complaint has also been given by this petitioner against one Balamurugan and others stating that the marriage was scheduled to be held, on 07/09/2022 between Subash Kannan and Swetha. The accused stating that he failed to arrange the marriage with her daughter, picked up quarrel and caused assault to several persons and they were also criminally intimidated. On the basis of the above said occurrence, a complaint was lodged. It was also registered in Crime No.131 of 2022 for the offences under sections 147, 294(b), 323, 355 and



506(i) IPC. In that case also, final report has been filed arraying the above said accused persons.

9.From the above said narration of facts, it is seen that it is a case and counter. Even this present FIR has been registered, after the preliminary enquiry. Since both are case and counter case, without verifying the case, who are the aggressors, final report has been filed in both matters. The Investigating Officer has not followed the procedures enunciated in PS0588-A. On the sole ground, this criminal original petition is liable to be allowed, without going into other aspects. The quashment of the criminal proceedings will apply to the co-accused also.

10.In the result, this criminal original petition stands **allowed**. The FIR in Crime No.1 of 2023 on the file of the first respondent is hereby quashed not only against the petitioner, but also against the co-accused.

14/07/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
Taluk Police Station,
Aruppukottai,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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